

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 16-CR-171

CANDIDO PENA,

Defendant.

REPORT AND RECOMMENDATION CONCERNING PLEA OF GUILTY

The Honorable J.P. Stadtmueller referred this matter to this court for the purposes of advising and questioning the defendant regarding a plea of guilty and for the defendant to enter a plea of guilty pursuant to Federal Rule of Criminal Procedure 11. On January 30, 2017, the parties appeared before this court. The defendant pled guilty to the following counts of the indictment: Counts 3 and 5.

After cautioning and examining the defendant under oath concerning each of the subjects mentioned in Rule 11, I determined that the defendant's pleas were knowing and voluntary. I find that the offenses charged are supported by an independent factual basis containing the essential elements of such offenses.

I therefore recommend that the pleas of guilty be accepted, that a pre-sentence investigation be conducted and report prepared, that the defendant be adjudged guilty, and that sentence be imposed accordingly.

Your attention is directed to General L.R. 72(c), 28 U.S.C. § 636(b)(1)(B) and Federal Rules of Criminal Procedure 59(b) whereby written objections to any recommendation herein, or part thereof, may be filed within fourteen days of the date of service of this recommendation. Objections are to be filed in accordance with the Eastern District of Wisconsin's electronic case filing procedures. Failure to file a timely objection with the district court shall result in a waiver of a party's right to appeal.

Dated at Milwaukee, Wisconsin this 30th day of January, 2017.



WILLIAM E. DUFFIN
U.S. Magistrate Judge